



CITY OF GALLUP

Land Development Standards Diagnostic Report

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CHAPTER 1. INTRODUCTION

PART 1: Introduction

A: Purpose of Land Development Standards Update

The City of Gallup is working to update its Land Development Standards (LDS Update), which includes the Zoning Regulations, Subdivision Regulations, and Annexation Policy. Updated Land Development Standards will provide Gallup citizens, policymakers, and developers with the necessary tools to grow in a consistent and desirable manner.

The existing ordinance was adopted in September 1999 and has been amended several times since its adoption. The purpose of the LDS Update is to improve clarity and usability by determining deficient and vague elements in the structure, language, and procedures of the code. The LDS Update will also bring the standards up-to-date by applying measures that reflect contemporary best practices, land use trends, and regulations. A critical component of the update will be the application of findings and recommendations identified in the Growth Management Plan (GMP). The connection between the GMP and LDS Update will be addressed in subsequent report sections.

B: LDS Update Process

Following the finalization of the Diagnostic Report, the LDS Update will be completed in three modules:

- Module 1: Draft Zone District and Use Regulations
- Module 2: Draft Zoning and Subdivision Regulations
- Module 3: Draft Administration and Procedures, and Annexation Policy

Module 1 will evaluate and consolidate the existing zone districts and use regulations. Draft changes to the subdivision ordinance and annexation policies will be included as part of Modules 2 and 3 respectively. Following the completion of the three modules, the draft Land Development Standards will be reviewed and finalized by the Steering Committee identified to oversee the LDS Update, who will then forward recommendations for approval to the City of Gallup Planning and Zoning Commission.

C: Purpose of Diagnostic Report

As one of the first steps toward revising the code, a Diagnostic Report sets out goals and actions for the LDS Update. The Diagnostic Report is a technical review to evaluate the strengths and limitations of the current Land Development Standards, and makes preliminary recommendations for updating and making the zoning code consistent with overall City policies, including the goals of the GMP. This document provides a review based on discussions with and feedback received from groups including the City Staff, Steering Committee members, local stakeholders, and citizens. The Project Team also draws from its planning experience with other communities and knowledge of land use regulatory tools. The review evaluates the suitability of the existing code by determining deficiencies and inadequate elements that may create inconsistent interpretations. The Diagnostic Report also identifies the steps required to make the LDS Update consistent with existing practices in the City of Gallup.

The sections of the report following the introduction provide draft recommendations for updating the Land Development Standards. Section 2 and 3 of this document articulate the recommended changes contained in both the zoning and subdivision regulations. The final section of the report contains an outline of the newly proposed structure for the Gallup Land Development Standards, including the proposed contents for the zoning and subdivision regulations.

D: Connection between Growth Management Plan and LDS

Municipalities are mandated by the NM State Statute to create a Comprehensive Plan or Growth Management Plan. Once adopted, these plans provide policy support when making land use decisions; they establish the foundation and rationale for zoning and other legally-binding land use decisions. Land development procedures, such as zoning, subdivision, and annexation, work in concert with the Growth Management Plan to govern land uses.

Comprehensive Plans and Growth Management Plans determine long-range community goals and objectives to guide development. Issues that are commonly addressed in these planning documents include land use, housing, transportation, open space, and economic development. The resulting policies and recommendations provide direction for public investments and the the preservations of a community's valued resources.

The City of Gallup's GMP was updated most recently in 2016 and articulates progressive land use planning policies to encourage higher density growth, mixed-use development, and infill of urban centers.

General recommendations contained in the GMP provide clear guidance on land use decisions and shaping the appearance of the community through policies that foster a distinctive sense of place. The GMP specifically calls out areas of the zoning code and subdivision regulations that could be updated, including:

- Clarify regulations for downtown parking,
- Broaden uses in commercial zoning to include residential,
- Update land uses associated with airport zoning,
- Eliminate the planned mixed-use zone;
- Revise the planned unit development zone,
- Review the park land dedication or cash-in-lieu, impact fees, and;
- Update requirements for large scale development master planning.

In addition to updating these specific issues, the GMP recommends general clarification of definitions, use regulations, conditional and permitted use tables, references, and other items that could be further refined.

PART 2: General Observations and Key Findings

The key findings summarized in this section include a brief discussion of procedural and structural elements that will be refined and clarified for greater ease-of-use, in addition to identification of regulations that could be updated. These items emerged from stakeholder and public outreach, as well as a review of the LDS Update by the Project Team, and are expanded upon in the subsequent sections of the Diagnostic Report.

A: Align Development Standards with the Growth Management Plan

The GMP was updated in 2016 and new provisions have been included in the document. To reflect and implement those provisions, the zoning code and subdivision regulations will be revised and will reflect changes made to the GMP. In addition, the GMP also provides specific recommendations for what should be addressed in the update of the zoning code and subdivision ordinance. These recommendations will also be addressed in the update.

B: Improve Overall Organization

Use regulations, dimensional standards, and administrative procedures are currently sprinkled throughout the various articles of the LDS Update and are generally organized by land use categories, e.g. residential vs commercial. Contemporary codes typically do not use this organizational structure as it increases the potential for inconsistencies, is highly repetitive and does not facilitate cross-district comparisons. The following changes are proposed to improve the organization of the code:

1. Relocate all the use zone specific standards into a Use Regulations Chapter which would cover the establishments of zone districts, allowable uses, and use specific provisions.
2. Incorporate standalone zones, such as airport and floodplain, into the overall use regulations.

3. Combine zone-specific standards in one Dimensional Standards section. Content for this section will include any existing standards (e.g. parking, landscaping and screening) as well as new development standards that may be a result as a product of the code rewrite.
4. Consolidate all review procedures sprinkled throughout the zoning regulations and locate them in a new Administration and Procedures Section at the end of each document. This section will develop a set of common standards that will apply universally to all application types (e.g. pre-application meeting, public notice) and outline specific technical standards.
5. Consolidate the subdivision application procedures and subdivision application requirements into combined sections based on subdivision type.
6. Organize and clarify the introductory Purpose and General Policy Requirements section of the subdivision regulations.

C: Add Illustrations, Tables, and Flowcharts

Graphics of the standards are largely missing from the LDS Update and could be utilized more frequently to illustrate the development standards and enhance the clarity of the written content to help users better understand the code. While tables are currently used to summarize use regulations and dimensional standards, the use of tables could be expanded to make complex procedures easier to digest. Under the current structure, the LDS utilize tables that are separated by general land use categories (e.g. residential, commercial, and industrial). Contemporary codes utilize cross-district tables, rather than separating out general land use categories, as it reduces redundancy, inconsistencies, and allows district comparisons to occur more easily. Flowcharts can supplement complex procedures and processes and illustrate a simplified development process in the updated Administration and Enforcement section.

The subdivision application requirements contained in the current regulations are poorly organized, resulting in confusion and the potential to delay project timelines. Both developers and City staff reviewing the applications could benefit from a clear checklist of requirements.

D: Provide Updated List of Zone Districts

The current zoning ordinance includes a large number of districts for a city of Gallup's size. Some of the current districts have either outlived their usefulness, are very similar in nature to other zone districts within that general land use category, or have never been applied. Reducing the number of zoning districts will simplify and streamline the standards and associated procedures. Few of the existing districts currently allow a mix of uses to occur by right. One or more new mixed-use districts of varied scale and intensity appropriate for Gallup will align with the goals of the GMP and provide clear direction for creative and innovative developments to occur. We propose two mixed use districts; (1) Neighborhood Mixed-Use district intended to allow limited neighborhood-serving commercial uses in predominantly residential areas and (2)

Mixed-Use Center district, a higher-intensity mixed-use district for activity centers, like the Downtown, allowing a mix of uses including commercial, office, and higher-density residential.

E: Modernize the Land Use Classification System

Use regulations are currently sprinkled throughout Article B, Zone Districts and Article D, Specific Use Provisions of the Zoning Ordinance. The dispersed use tables currently separated by general land use categories need to be consolidated into one Use Table that provides clearer cross-references to the use-specific provisions. The uses themselves are outdated, too specific and omit contemporary uses. Uses should be classified more broadly and tied to more general characteristics rather than a very specific use (e.g. a cyber cafe would be classified as commercial entertainment). The use provisions that are currently buried in Article D need to be more clearly referenced in a separate column of the table and the standards moved up in the organization to immediately follow the use table.

F: Modernize and Review Non-conformity to Allow Redevelopment and Sustainability

Nonconforming uses and structures exist throughout Gallup mainly due to development that occurred before the zoning code was written. While not every structure and use can be brought into conformance, the LDS Update should provide clear direction on what uses are grandfathered into the updated code and the triggers that would require updates to come into compliance with current standards.

G: Build Contextual Standards into the Code

Many of the zone districts currently have multiple sub-districts of varying dimensional standards that aim to lessen the degree of non-conformance in historical areas by allowing the continuation of historical development patterns. Rather than creating sub-districts within each zone district, the code update could utilize character protection overlays that trigger contextual development standards. These standards would require new construction in certain districts to base lot sizes and dimensional standards on existing development in the block where the development is to be constructed.

Contextual Standards can either be applied within specific districts or citywide, will need further discussion on this with the City and stakeholders to evaluate which approach is most appropriate for Gallup.

H: Organization of Technical Development Standards

Technical development standards are currently located in various section of the code, including: Section 104B4, PUD Districts, Article C, General Provisions For Property Improvement, Article H, Floodplain Zoning, Article J, Sign Regulations, and Chapter 5, Subdivision Ordinance. This poor organization makes it difficult to determine which standards apply and particularly to which

zones. Content from these various sections should be consolidated into one set of development standards and much of the content can be reorganized into table format.

The Urban Design Standards and Architectural Standards are recently created but are not enforceable and could be combined in one location. Additional infrastructure standards may be desirable.

I: Clarify the Review and Approval Procedures

Land use approval procedures need to be clarified to provide clear rules that inform citizens, property owners, and investors about the types of land use actions permitted in the City of Gallup, how these applications will be processed, who will make the approval decision, what the criteria for approval will be, and how long the process may take. The roles of different decision-making bodies and the path that applications will take to approval need to be clarified.

Procedural components of the subdivision regulations and application process should be updated to provide more specific guidelines, including timelines and expectations.

J: Define Subdivision Types

There is a general need to clarify definitions of subdivision types, including which issues and circumstances can be handled administratively. Additional clarity is needed related to utilities requirements, including subdivisions that exceed the thresholds for administrative and minor subdivisions but do not require additional infrastructure. Revised thresholds for minor and major subdivisions could also be considered.

CHAPTER 2. ZONING REGULATIONS

Introduction

The following section is an article by article review of chapters 1 through 3 and the zoning regulations of the existing Land Development Standards. Within this discussion we are highlighting the intent of each element, issues and potential measures to address our findings.

PART 1: General Provisions

Chapter 1: Introductions

Chapter 1 has general applicability and outlines the purpose, structure and intent behind the LDS. While some of the language can be updated and reorganized, the article contains important information which should be carried forward. We recommend that this section is consolidated with the general provisions.

Chapter 2: General Provisions

As with the *Introduction*, the *General Provisions* Chapter 2 entails general background information and establishes the development standards authority as well as applicability. This chapter should be carried forward, however some of the content will be revised and reorganized to reflect best practices in structure and include any changes in State and City law.

Chapter 3: Definitions and Illustrations

Chapter 3 contains the definitions and illustrations that accompany the Land Development Standards. Definitions have changed over time, but the text has not been updated or amended. All definitions will be reviewed for clarity. New terms will be added as necessary, and definitions that are no longer used or are no longer necessary will be deleted. Illustrations should be utilized to supplement content to make the code easier for the user to understand. The illustrations currently located in this article are taken out of context, are of poor quality, hard to read and not to scale. Graphics may be to revised wholesale to improve their quality and clarity. The illustrations that remain in the definitions section should illustrate the key definitions. Illustrations that are intended to explain/clarify development standards should be moved

alongside the regulations they are illustrating. Additional graphics may be added to illustrate the more complex development standards.

PART 2: Zoning Regulations Article-by-Article Review

Articles A-B: Zone Districts

These articles establish the zone districts, provide their intent, and summarize their allowable uses and dimensional standards. A total of 22 base districts currently exist and are organized by general land use categories - i.e. residential, commercial, and industrial. The LDS contain a large number of districts, many of which are very similar in nature. Based on feedback, zone districts are being evaluated to determine whether they can be streamlined, either by eliminating or consolidating existing districts, or introducing new ones. This will simplify the code by also providing flexibility within the various zones.

Some of the key issues within existing zone districts are addressed below:

A. Residential Districts

The twelve existing residential districts in Gallup's Land Development Standards allow for a range of densities, from low single-family to medium-density multi-family housing types. Two residential mixed-use districts (RM-4 / RM-5) accommodate historical development patterns, both in uses and dimensional standards. Two manufactured home districts (MH-1 / MH-2) accommodate mobile parks under both individual and single ownership. Many of these districts allow similar uses and dimensions and could be consolidated. Key finding within each of the residential zone districts are outlined below:

Rural Holding Zone (RHZ)

The Rural Holding District was intended to provide "a zoning district for large, undeveloped tracts of land which are not planned for urban development in the near future". Tracts of land within this districts are intended to be rezoned to another zoning district when urban development is appropriate and when the necessary municipal services can be provided in conjunction with city land use policies and capital improvement plans. A major issue is that the permissive use table actually entitles development, allowing low intensity uses to occur by-right without a rezoning action. In this respect, the zone currently functions more like the Rural Residential (RR) zone rather than holding land for future development. The City has expressed a need for a zone that contains undeveloped un-zoned land so permissive entitlements need to be stripped from the zone entirely and re-zoning triggers and procedures need to be created. These procedures will

also need to address how to deal with development that already exists within the RHZ zone that will subsequently become nonconforming.

Rural Residential (RR)

The Rural Residential District provides for single-family dwellings on large lots in a semi-rural setting. The district currently allows some non-residential uses as permissive (e.g. childcare, daycares,) and several fairly intense uses as conditional (e.g. Hospitals, Mining/extraction, institutions, etc.). The non-residential uses that can occur, either permissive or conditional, will need to be evaluated; fairly intense uses may need to be eliminated. Accessory uses to residential such as daycare or home-based businesses should be clearly defined as accessory to residential uses. Agricultural uses may need to be expanded.

Residential Single Family (RS1/RS2/RSOD)

The RS1, RS2, and RSOD all function as Residential Single-Family districts with identical use regulations. Differences occur in the dimensional standards, primarily to accommodate the established development patterns in the older portions of the city. These districts could be consolidated into one RS-1 zone that contains a subdistrict that accommodates the varying lot sizes and dimensions. Contextual standards could be evaluated as another tool to require new construction within these zones to base lot sizes and dimensional standards (e.g. setbacks, building height) on existing development within blocks where the development is to be constructed.

Single-Family Attached Residential Districts (RAD/RATH)

Attached single-family housing typologies, such as duplexes and townhouses, are currently separated into individually distinct districts; Residential Attached duplex (RA-D), Residential Attached Townhouse (RA-TH). Uses are very similar in these districts, with inconsistencies occurring primarily when addressing facilities like daycares or hospitals. The need for separating attached residential uses from detached will need to be evaluated. These uses could be included within either a single-family or multi-family zone. Non-residential uses that can occur either conditionally or as accessory within attached SF dwellings will need to be evaluated; some uses may want to shift from permissive as a principal use to accessory uses (e.g. home-based business, bed and breakfast establishments).

Multi-family Residential (RM3/RM4/RM5)

There are currently three Multi-family Residential districts within Gallup's Land Development Standards; Multiple--family residential (RM-3), Multiple-Family Residential -Mixed Use (RM-4), Multiple--family residential (RM-5). All three districts are of medium intensity, but the use and dimensional standards of

RM4/5 are tailored to accommodate the historical development patterns of long established neighborhoods. As they stand today, Gallup's multi-family districts only allow for a maximum density of 20 dwelling units per acre. The city has expressed the need of a higher intensity multi-family district that can accommodate higher density developments. The RM3 district appears to be functioning as intended and is slated to remain. In order to retain the historical mix of uses in the RM4 and RM5 districts, it may be more appropriate to consolidate them into a new Mixed-Use Neighborhood District that allows limited neighborhood-serving commercial uses to occur by right in predominantly residential areas. Contextual design standards could be utilized to accommodate historical development patterns across the zone districts.

Mobile Home Subdivision Residential District (MH-1)

Based on discussions with the City, the MH-1 Mobile home subdivision residential district isn't utilized and is slated for elimination.

Mobile Home Park Residential District (MH-2)

The Manufactured Home provisions from the MH-2 Mobile Home Park Residential District are utilized and should be retained.

B. Non-Residential Districts

The current land development standards include three commercial zones and one planned shopping center zone (PSC). The PSC zone is not used, the C-1 zone applies only to one parcel. The desire to add more mixed use provisions to the commercial zones has been expressed during meetings and is recommended by the GMP. Currently none of the commercial zones include residential uses. Neighborhoods close to downtown could allow neighborhood scale commercial services, such as restaurants and barber shops.

Neighborhood commercial district (C-1)

The neighborhood commercial district is intended to provide small scale services for the needs of local neighborhoods. Businesses are to be no larger than 3,000 sq.ft. The total area of a C-1 development should not exceed 2 acres. C-1 captures low intensity uses, such as bakery, pharmacy, newsstand etc. Key findings: this zone is not used!

General commercial district (C-2)

C-2 is broken down into two sub-zones; C-2A and C-2B. C-2A applies to mostly downtown and older urban areas along arterials. It differs from C-2B only in the dimensional standards and is intended to capture older areas with smaller lot sizes and existing development. C-2B applies to newer areas, often undeveloped. The two subzones apply to areas that are very different in nature.

To capture the flavors of the underlying zone, it may be recommended to split the zones.

Heavy commercial district (C-3)

C-3 is intended to accommodate more intensive retail services and storage activities, including merchandising or servicing of transportation vehicles, large equipment, construction materials and the like. The intent states that this zone should not be located adjacent to residential uses.

The GMP recommends allowing residential uses in the C-3 zoned district along US 491. This is in direct conflict with the intent stated to separate heavy commercial and residential uses. C-3 uses as outlined in the permissive use table are not compatible with residential uses and should be kept separated. If there is a desire and need to add residential uses to the area along US 491, then the city should consider rezoning this area.

Planned shopping center district (PSC)

The PSC is intended to accommodate shopping center development and provide development standards. The zone is not used and could be eliminated as a standalone base district. Shopping center uses can be covered by within the heavy commercial zone and standards would be addressed through use specific standards.

Industrial (I)

The industrial district is intended to provide sufficient space in appropriate locations for the manufacture, processing, repair or storage of goods or raw materials. Feedback thus far has revealed no major issues with this district and it is currently recommended to remain although its uses and standards are likely to be updated in Modules 1 and 2.

Industrial Park (IP)

Similar to the Industrial District, the Industrial Park is intended to provide sufficient space in appropriate locations for the manufacture, processing, repair or storage of goods or raw materials. Unlike the industrial district, uses and development within IP having to occur in a campus-like setting. Feedback thus far has revealed no major issues with this district and it is currently recommended to remain although its uses and standards are likely to be updated in Modules 1 and 2.

Planned Mixed Use District (PMU)

The Planned Mixed Use (PMU) district provides procedures and standards for the development of new mixed use areas at a community or neighborhood scale, with an emphasis on encouraging pedestrian circulation. While the PMU contains many desirable concepts, current market realities do not support projects meeting criteria

of this zone and further, the complex process for rezoning, regulating plan and platting make it difficult to implement. Feedback has revealed these factors make the PMU too expensive to implement and have resulted in it never being utilized. The City's PUD District can also regulate mixed use development, has a less involved process, and provides more flexibility for applicants. The Planned Mixed Use district can therefore be eliminated and replaced with a revamped Planned Unit Development district, as described below.

Mixed-Use Districts

Few of the existing districts currently allow a mix of uses to occur by right. Both the GMP and feedback have called for allowing mixed-use development to occur, particularly in the Downtown area and in the established neighborhoods whose historical development practices have allowed horizontal mixed-use development. We recommend that one or more new mixed-use districts of varied scale and intensity appropriate for Gallup be established. Initial recommendations include two mixed use districts; (1) Neighborhood Mixed-Use district intended to allow limited neighborhood-serving commercial uses in predominantly residential areas and (2) a Mixed-Use Center district, for higher-intensity activity centers, like the Downtown, that allows a mix of uses including commercial, office, and higher-density residential.

C. Overlay Districts

The overlay zoning districts address special siting, use and compatibility issues that require use and development regulations in addition to those found in the underlying zone districts. Three true overlay districts currently exist in Gallup's Land Development Standards: Central City District (CCD), Planned Unit Development (PUD), and Business Improvement District (BID). One residential district, Single-family residential overlay district (RS-OD), is called an overlay but functions as a base district. Two base zoning districts, Airport and Floodplain, currently function as base zones but may be more appropriate as overlay districts. Some of the key issues within existing zone districts are addressed below,

Central City Overlay District (CCOD)

The CCD central city overlay district is intended to provide maximum flexibility in meeting the needs of urban redevelopment in the downtown area of the city. The overlay appears to have been intended to apply additional provisions to the underlying zoning district, yet no such provisions are actually codified. The only special exception for the CCOD that is codified exempts off-street parking for uses located within the CCOD boundaries- a provision that feedback has revealed to be problematic. The CCOD currently exempts all building from any off-street parking requirements, yet reduced parking standards for new downtown buildings are needed. Additionally, the City may want to consider adding new

provisions to address the unique conditions of the CCOD including, but not limited to: architectural design, landscaping, and open space requirements.

Planned Unit Development (PUD)

The Planned Unit Development District provides standards to design larger development projects in a cohesive and predictable way through a master plan that applies to the entire site. Development on a site zoned PUD must comply with development standards provided specifically for the PUD as well as the underlying zone district. According to feedback gathered, this district needs to be updated to provide greater flexibility and language as well as standards clarified. Standards will be moved into a separate Development Standards Chapter.

Business Improvement District (BID)

The Business Improvement District is tied to additional tax in order to fund projects within the district's boundaries and its boundaries and provisions will remain in place.

Character Protection Overlay (New)

A new Character Protection Overlay is recommended to facilitate contextual standards that will be applied to the older portions of the city. Contextual standards allow new development within the overlay boundary to base lot sizes and setbacks on existing development patterns.

Airport Protection Overlay (Airport zoning translated to an updated protection overlay)

The provision of Article G, Airport Zoning, should be moved into an overlay district. For further discussion about key issues with the current content see Article G below.

Floodplain Protection Overlay (Floodplain zoning translated to an updated protection overlay)

The provision of Article h, Floodplain Zoning, should be moved into an overlay district. For further discussion about key issues with the current content see Article H below.

Article C: General Provisions for Property Improvement

Article C provides general dimensional standards that apply to all lots and properties within the City of Gallup. This Article encompasses a variety of standards pertaining to height, yard and lot area, parking, landscaping, fencing and screening, architectural design standards and urban design standards. It also includes some procedural requirements.

This Article will be carried forward but should be integrated with other development standards including those that apply to each zoning district currently located under Article B. Some

standards need to be updated to ensure that federal requirements are met and that they conform with modern day development standards. The users would also greatly benefit if the Article included graphics that supplement the content and illustrated development standards in an easy to understand fashion. For ease of use content should be moved into a table format.

Some of the regulations are too specific and could live in the new *Development Standard* section. It would allow the City to update the dimensional standards without triggering a future update to the zoning code. Some of the procedural provisions in this section could also be moved into the new *Administration and Procedures* section. Again, this will allow for updating procedures and administrative actions without going through a zoning code update. While this section is fairly comprehensive, some elements covered by modern development standards are not included. For instance, the Article does not include language about ADA and/or PROWAG compliance. It also has very little language about pedestrians and bicyclists; this needs to be updated.

This section should be go alongside other development standards including those that apply to each zoning district currently located under Article B.

Article D: Specific Use Provisions

Article D establishes specific standards for uses that are permitted by right within the underlying zone district, but may need additional standards to mitigate the impacts of the use. The ordinance already includes standards for a broad range of uses, such as bed and breakfasts, daycares, and home-based businesses. Permitting such uses subject to conformance with the standards, rather than requiring a discretionary review, streamlines the development process and creates a more predictable development environment for developers. This material will be carried forward and current standards will be evaluated for potential revisions and/or elimination. Other uses commonly regulated via use-specific standards may be incorporated.

Article E: Environmental Performance Requirements

Article E was established to protect city residents and their property from hazardous or unhealthy conditions which may result from activities conducted as a use of land. This article will be revised to establish up-to-date regulations to continue to safeguard public health and safety.

It is noteworthy that there are no specific limits to noise, particulate matter, lighting, etc., making enforcement difficult. Specific values could be included in the Code. Additional language could be added stating that lighting features should comply with the New Mexico Night Sky Protection Act and that ambient noise should comply with OSHA standards for noise exposure.

Article F: Terrain Management Regulations

This article has recently been updated and will be carried forward.

Article G: Airport Zoning

Article G was established to encourage land use patterns that separate uncontrollable noise sources from residential and other noise sensitive areas and to facilitate orderly development around the airport. Provisions in this article are outdated and should be revised to establish up-to-date regulations of uses and dimensional standards and establish a runway protection zone and runway safety area referencing a current map.

The Code is not expected to require significant changes but should be updated to align with current FAA Imaginary Surfaces. In addition, it should reference the most recent airport master plan so that land use decisions can be informed by ongoing planning efforts around and adjacent to the airport.

Article H: Floodplain Zoning

This Article was established to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to protect human lives and property and minimize expenditure of public money for flood control projects. This article will be analyzed and revised as deemed necessary to comply with all State laws and to ensure that public safety is upheld. The floodplain zoning section was recently revised and does not require significant changes or revisions.

Article I: Non-conformance

Article I establishes regulations for nonconforming uses and structures and how these exist within the City. These provisions are important regulatory tools for addressing nonconformity. Article I will be carried forward and expanded to be modernized and to conform with recent case law.

While Article I includes good provisions, it is poorly organized and out of date. It needs to be restructured to allow the users to better understand how nonconforming uses are accommodated. Furthermore, a growing trend allows nonconforming uses and structures to be continue or to be expanded if their impacts on the neighborhood are beneficial, eg. restaurants and neighborhood services. This allows for reinvestment and sustainability of neighborhoods and services provided. Thus, language should be added to allow nonconforming uses that are beneficial to continue and grow through discretionary review.

Some newer codes are also lengthening the period during which a discontinued nonconforming use can be restarted. This recognizes the fact that it is often difficult to find new users for older properties. It is often more beneficial to the neighborhood to let the nonconforming use continue then having the property sit vacant.

Article J: Sign Regulations

The sign provisions need to be reviewed based on latest technologies and best practices for an improved, updated, and more business friendly Sign Code. The regulations should be reorganized to present basic sign type, area, height, setback/location, and conditions in a table organized by property use or zone district. Some additional sign types may need to be added.

Article K: Planning and Zoning Commission; Zoning Amendments

Article K establishes the Planning and Zoning Commission and outlines their duties, powers and responsibilities. The articles also outlines the requirements and procedures for zoning amendments. The content of this section should be moved into Article M, see discussion below.

Article L: Board of Adjustment

Article L establishes the Board of Adjustment and outlines their duties, powers and responsibilities. The articles also outlines the requirements and procedures for appeals from administrative actions, variances, conditional use permits, and expiration, application and appeals. The content of this section should be moved into Article M, see discussion below.

Article M: Administration and Enforcement

Article M outlines the City's administrative authority and enforcement, permit administration, severability/ validity clauses, and violations and penalties. This article should formally establish the agencies and procedures of the city's land development review processes, but administrative and land development processes are currently scattered throughout Articles K-M and the level of detail of each is inconsistent and often insufficient. Further, the administrative portions of the ordinance don't describe how and when residents/neighborhoods will be notified of and involved in the development review process. The Land Development Standards should include an expanded administration and procedures chapter with separate sections for each administrative body (e.g. Gallup Task Force, Planning and Zoning Commission, Board of Adjustment) and each land development procedure (e.g. Zoning Amendments, Conditional Uses, Variances, etc.). We recommend creating a simple summary table that shows the procedures and review and decision authority for all types of land use application. Staff review roles and the administrative adjustment process should be included under the decision-making/administrative body section.

Land development procedures should be rewritten in a consistent format with a consistent level of detail. Procedures should indicate the following:

- Applicability- the type of permit and the action to which it applies.
- Pre-Application- any prerequisites required of the applicant prior to filing the application.
- Initiation- how and to whom the application is filed.
- Criteria- any unique criteria specific to that application
- Approval Procedures- the type of process/ hearing, the body with jurisdiction to approve/deny, and the criteria used to reach a decision.

CHAPTER 3. SUBDIVISION REGULATIONS

Unlike the zoning code, significant changes to the basic structure of the subdivision ordinance are not required. However, there is a general need for improved clarity and the organization within the ordinance could be improved. This section of the Diagnostic Report outlines the issue areas that have been identified as in need of revision. This section also provides general solutions and recommendations, though the specific changes to the code will be reflected in the revised Land Development Standards.

PART 1: Modifications and Issue Areas

A: Definitions and Thresholds

Issue: The thresholds for minor and major subdivisions are more stringent than many communities of similar size. The current definitions limit minor subdivisions to 3 units, with the process for major subdivisions applied for all subdivisions with 4 units or more.

Subdivision Type	Current Thresholds	Common Thresholds (Similar-sized Communities)
Administrative	2 units or replat	2 units or replat
Minor	3 units (no new infrastructure)	Up to 10 units
Major	4 units or more	Varies based on thresholds for minor subdivisions

Solution: The thresholds for minor subdivisions could be increased to a number that is consistent with peer communities. The result would be a greater number of subdivisions that do not need to go through the major subdivision review process.

Issue: Definitions for minor and major subdivision need to be clarified with regard to infrastructure requirements. Part of the definition of a major subdivision is the need for new roadway and/or utilities infrastructure, whereas minor subdivisions do not require new infrastructure. The current definitions do not clearly address the potential for larger subdivisions

in which no new infrastructure is required. Specifically, there are not clear options for scenarios with 2-3 lots without existing utilities or more than 4 lots with available utilities.

Solution: Minor and major subdivision type definitions should be revised to clarify utilities requirements, including instances where subdivisions may be considered “major” due to the number of units, but no new infrastructure is required.

B: Utilities Access

Issue: There is a need to clarify subdivision requirements and the City review process where utilities access is available via alleys rather than frontages, as required in the City Code. At present, deferrals are granted through an administrative decision, though this process needs to be codified as the current ordinance does not give specific authority to City staff to handle varying situations administratively. Clarity is needed for when new infrastructure along a frontage is required to facilitate adjacent development.

Solution: Language should be added stating that utilities access via rear alleys may be granted – or deferred pending future development – through an administrative action. Additional language should clarify the circumstances in which the installation of utilities infrastructure along a frontage is required. See the section on Subdivision Agreements for additional discussion.

C: Plat Requirements

General Sketch and Preliminary Plat Requirements

No major issues with sketch and preliminary plat requirements have been identified, though a number of clarifications and changes to the organizational structure of the subdivision ordinance are recommended. The sketch plat requirements are fairly comprehensive, ensuring that a high level of information is provided by the developer early in the subdivision process. Greater clarity could be provided on the purpose and benefits of the pre-application meeting.

Submittal Requirements / Checklist

The documents to be submitted with a subdivision application are proposed to be organized in a checklist format per the guidance from *The Subdivision and Site Plan Handbook* (Listokin and Walker 2013). A checklist of submission items can be organized based on their position in the development process and according to subdivision type. The specification of items to be submitted for a subdivision application are separated into the following categories:

1. Project and Plat Description
2. Supplemental Materials: Public Improvements and Construction Information

To improve the ease of use, the required submittal contents will be clearly organized by corresponding category. Formatting requirements, including scale, north arrow, and legend, will be separated from the substantive plat contents and similar specifications will be consolidated or combined together. A category containing procedural requirements will be located at the end of the checklist to provide developers with additional information related to the application approval process. See the proposed checklist at the end of the Diagnostic Report.

Definitions and Plat Components

The following items are contained in the City of Gallup Plat Review Checklist, which is referenced by staff and the Planning and Zoning Commission to ensure all required elements of a plat have been included in the submittal, but are not defined in the subdivision ordinance. These requirements will be described in the code to ensure that developers and the City have common expectations regarding the contents of preliminary and final plats.

- *Dedicated This Plat:* As a condition of approving the subdivision, the developer is required to dedicate the subdivision for Public Utility Easements (PUEs) and indicate this on the plat, if applicable.
- *Vacated This Plat:* The developer must identify the utilities or rights-of-way that will be vacated on the plat, if applicable.
- *Tracking Parcel Sheet:* Per State law and for tax payment identification purposes, the owner must have the plat signed by the County Clerk to certify that taxes are current.
- *Tax Certification Line and list each Account Number or Parcel Number:* The developer must have the plat signed by the County Treasurer indicating that all property taxes have been paid. Include the following language:
Per section 7-38-44.1 of the New Mexico Property Tax Code, "A taxpayer shall pay the taxes, penalties, interest and fees due on real property divided or combined through the taxable year in which the property is divided or combined prior to filing a plat."
- *Covenants, Conditions, and Restrictions (CC & Rs):* The developer must provide a reference to any restrictive covenants and/or special conditions on the plat.

D: Parks and Open Space Requirements

Issues: There are two issues related to current parks and open space requirements. The first is the presence of competing provisions in the City code. The second issue is related to the practicality of existing provisions. At present, the City lacks the resources to support the maintenance of all existing parks. Space for additional parks has been set-aside, but the funding to fully develop those sites is not available. Parks space is desirable, though requiring additional parks that may not be maintained is not a preferred outcome for the City of Gallup. Parks space is currently required as part of all subdivisions large enough to warrant a 1-acre park, based on a formula of 3 acres for every 100 new housing units.

Solutions: Remove competing language and clarify requirements for new subdivisions. The minimum park size of 1-acre and the rate of 3 acres per 100 dwelling units can both remain. The City of Gallup could encourage use of money-in-lieu of payments for most subdivisions by creating a threshold below which subdividers are not required to provide new park space but are strongly encouraged to provide money-in-lieu. The threshold can be based on acres, dwelling units, and/or distance to existing parks (e.g. subdivisions below 50 acres and within one mile of an existing park are required to provide money-in-lieu payments rather than construct a park). Money-in-lieu payments can be dedicated to general park maintenance. For subdivisions above the threshold, the subdivision is expected to include developed park space at the identified rate. Future maintenance will be the responsibility of the City of Gallup, unless otherwise agreed upon by the subdivider.

PART 2: Procedures

A: General Observations

An initial review revealed that the general procedures contained in the subdivision ordinance are no longer consistent with actual practices of the City of Gallup and are therefore in need of updates. The list of procedural revisions contained in the Diagnostic Report reflects the feedback that the Project Team has received to date. This section will be expanded upon over the course of the LDS update as other issues arise.

- A. Clarify timing and expectations for subdivision application processes
 - a. Review of timelines; provide clarity to process
 - b. Encourage use of electronic submittals; hardcopies may be required at the discretion of the City Planning and Zoning Director
- B. Clarify development agreement components
 - a. Existing language related subdivision agreements that needs to be updated
 - b. Elaborate on potential public improvements for existing developments (e.g. ADA ramps, transit stop amenities)
 - c. Clarify situations in which a subdivision agreement is required

B: Remove Pre-application Procedures Section

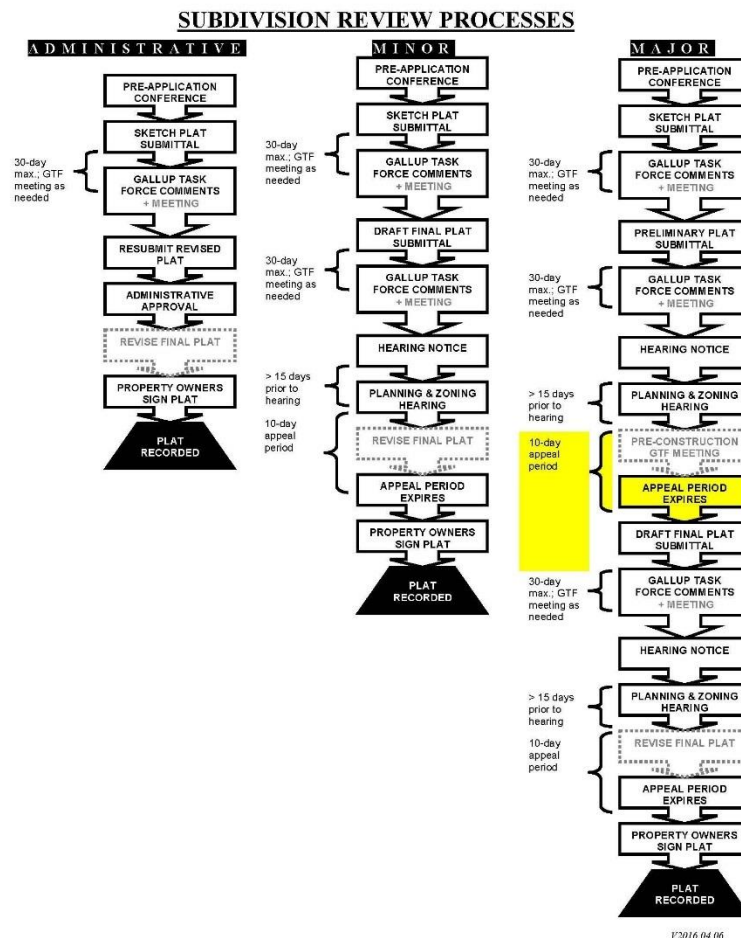
The Pre-application Procedures section generally describes the Sketch Plat application and review processes. Language in this section will be moved to the Sketch Plats section. A pre-application meeting will be described in the Purpose and General Requirements section. See part 4 of the Diagnostic Report for more information on the document structure proposed for the LDS Update.

C: Pre-application Conference versus Pre-application Meeting

There are inconsistencies between the language in the subdivision regulations regarding the role and timing of the pre-application conference. Pre-application conferences generally provide

the applicant with an opportunity to meet with planning staff to better understand subdivision procedures and determine the most likely type of subdivision (i.e. administrative, minor, or major) required for the particular project. The City of Gallup currently offers a courtesy pre-application meeting with potential developers; however, this meeting is not described in the code.

The current code describes a pre-application conference as taking place following the submittal of a sketch plat, at which time the “the task force will meet with the applicant as deemed necessary to indicate and discuss specific changes or additions, if any, it will require in the layout, and the character and extent of required improvements and reservations” (10-5-3 A). However, the subdivision application indicates the pre-application conference takes place prior to sketch plat submittal, regardless of subdivision type (see below).



The LDS Update should clarify the role and purpose of the pre-application conference and sure consistency with existing practices and the Subdivision Application form. The current language related to pre-application conferences can be retained as part of the sketch plat review process, and the term for the “Pre-application Conference” should be changed to “Developer Review Meeting.”

The Developer Review Meeting discussion should clarify that this event takes places as part of the GTF review. In this step, the GTF provides comments and requests for corrections, and provides feedback to the applicant to ensure the requirements for the preliminary plat are fully understood.

The LDS Update should also add clarifying language that a Developer Review Meeting may not be necessary for minor subdivisions (where infrastructure installation is not required) and for minor adjustments to plat documents. In such cases, City of Gallup staff will provide comments outlining the required adjustments and stating that a Developer Review Meeting is not required.

New language should be added regarding the pre-application meeting, which is currently offered with City of Gallup staff as a courtesy, and should be codified in the LDS Update. The pre-application meeting is a voluntary even in which the applicant may meet with City staff to discuss the requirements for a subdivision application and to determine the feasibility of the proposed development.

D: Subdivision Agreements

Issues: Subdivision agreements are a tool for establishing the responsibilities of both the City and developer related to public infrastructure improvements. Such agreements are a common practice for the City of Gallup as part of a replat of an existing lot or lots and relate specifically to the installation or deferral of public improvements.

Paragraph 10-5-11 D of the City of Gallup Code discusses “Assurance of Installation” and appears to address the issue of Subdivision Agreements, including improvements required to be built as a condition of Plat approval. The current code calls for one or more of the following forms of assurance: 1) installation of the improvements within one year and prior to approval of the final plat; 2) the provision of some form of a performance or a cash bond or the establishment of an escrow account to guarantee funding for public improvements; 3) other agreements between the City and developer.

The utilities department or public works department makes the determination whether a deferral is appropriate; however, the code does not describe what the assurance or a Subdivision Agreement should look like.

Solutions: The current language should be clarified to state that the City of Gallup and the developer may enter into a subdivision agreement and by describing the circumstances in which

a subdivision agreement is desirable. Language should also be added outlining the respective obligations related to public infrastructure. The ordinance should discuss any required bonds or other guarantees that a developer may provide to ensure there is a financial commitment to the completion of public infrastructure.

PART 3: Design Standards

There are two general issues related to the design standards contained in the Gallup LDS: 1) Standards are located in multiple places (zoning code, GMP, subdivision ordinance) and need to be **consolidated**; 2) Standards need to be **updated and expanded** upon.

Issue - Consolidation: Existing Design Standards are located in various documents, including the Architectural and Urban Design Standards in the zoning code, Design Standards and Public Improvements in the subdivision regulation, and the Standard Drawings and Water and Sewer Standards in the appendices. This is problematic because it requires frequent referencing back and forth between documents and opens the possibilities for inconsistencies as some standards are updated over time.

Solution: Consolidate all Design Standards into the Subdivision Ordinance temporarily and supplement the Standard Drawing with additional information. The Design Standards will ultimately be located in a stand-alone so they can be easily updated and referenced. Zone district-specific standards will remain in the zoning code (e.g. setbacks, parking, and landscaping requirements).

Issue - Expanded Standards: Below is a list of potential changes and additions to the City of Gallup Design Standards. Where appropriate, create references to national design manuals to ensure developers and City refer to common standards when creating and evaluating projects.

- A. Clarify sidewalk dimensions (different values in zoning code and subdivision ordinance)
- B. Roadway design standards and right-of-way set-asides could be updated to reflect best practices; eliminate minimum paved section
- C. Add various roadway elements
 - a. Bicycle infrastructure – the Growth Management Plan emphasizes multi-modal transportation, but there is no discussion in current ordinance
 - b. Driveway width and spacing - link to zoning types (wider driveways in industrial zones)
 - c. Provide guidance on travel lane widths by functional classification
- D. Add references to standard drawings
- E. Update drainage/utilities sections with proper references to City code and state standards. Clarify requirements related to retention/detention ponds

- F. Clarify floodplain-related requirements for new developments. The criteria for type and size of hydraulic structures is insufficient. The expected floodplain standards should be identified.
- G. Provide guidance on subdivision access, which is generally based on the number of lots
- H. Additional guidance on block lengths to ensure roadway infrastructure supports surrounding land uses

CHAPTER 4. PROPOSED STRUCTURE

This section of the Diagnostic Report provides an annotated outline of the proposed update to the Land Development Standards. It is intended to give an overview of the updates to the zoning and subdivision regulations, how they will be reorganized, where changes occur, and how the updated documents will be presented graphically. The proposed update to the Land Development Standards will be structured as follows:

- Part 1: General Provisions;
- Part 2: Zoning Regulations;
- Part 3: Subdivision Regulations;
- Part 4: Annexation Policy;
- Part 5: Definitions;
- Part 6: Appendices;

NOTE: The parenthesis behind each title provide the title and section/article number of the current location of this section/article. Some section/articles will be consolidated, added or deleted.

PART 1: General Provisions (Chapter 1 Introduction, Chapter 2 General Provisions, Title 10 Development Standards)

Short title (10-2-2 SHORT TITLE)

This section will clarify that the document can be referred to as the Gallup Development code

Authority (10-2-3 AUTHORITY)

This section will recite the provisions of New Mexico law and the City's Charter that provide authority for adoption of the updated Zoning Code and will consolidate authority statements from the current zoning, subdivision.

Purpose (10-1-1 PURPOSE, 10-1-6 ORDERLY DEVELOPMENT, 10-2-1 PURPOSE ADOPTION)

This section will outline the purpose of the update zoning code to implement policies and vision of the Growth Management Plan and other goals identified to be achieved through the updated zoning code.

Zoning Code Structure (10-1-3 Organization)

Outlines the structure of the updated zoning code and subdivision ordinance.

Applicability (NEW)

This section clarifies that all property within the city of Gallup must comply with all applicable provisions of the updated zoning code unless specifically exempted.

Official Zoning Map (10-4A-2 OFFICIAL ZONING MAP, 10-4A-3, RULES FOR INTERPRETATION OF BOUNDARIES)

This section clarifies that the base and overlay zone districts listed in the Gallup Development Code (GDC) apply as shown on the official zoning map. It establishes the official zoning map and with it delineates the boundaries for zoning code authorities.

Relationship to other Regulations, Conflicts with Other Regulations (10-1-2 PLANS INCONSISTENT WITH MASTER PLAN)

This section establishes that the zoning ordinance applies regardless of private restrictive covenants. It also clarifies that in the event that two or more regulations in the GDC cannot both be applied at the same time, the stricter regulations will govern.

Transition from Previous Regulations (New)

This section outlines how the transition from the existing to the updated zoning code will occur, and which document when regulates.

Compliance Required (New)

This section establishes authority of the zoning code. It requires all properties developed within the city to comply with the zoning ordinance and respective documents.

Revisions (10-1-4, REVISIONS)

This section outlines procedures and requirements for future updates and revisions to the zoning ordinance.

PART 2: Zoning Regulations

Article A: Zone Districts (10-4A-1 ZONING DISTRICTS ESTABLISHED, 10-4A-4 APPLICATION OF DISTRICT REGULATIONS, 10-4A-5 RULES FOR INTERPRETATION OF DISTRICT REGULATIONS, 104B1 RESIDENTIAL DISTRICTS, 10-4B-2 COMMERCIAL DISTRICTS, 10-4B-3 I AND IP INDUSTRIAL DISTRICTS, 104B4 PUD PLANNED UNIT DEVELOPMENT, 104B5 CCD CENTRAL CITY OVERLAY DISTRICT, 10-4B-7 BID BUSINESS IMPROVEMENT DISTRICT, Article G AIRPORT ZONING)

This section outlines the differences between base district zones and overlay zones. Newly consolidated base zone districts will be established through a more graphic format that contains the purpose statement, summaries of key dimensional standards, diagrams that illustrates key lot and building dimensions, and cross-references to applicable development standards. Content pertaining to overlay zones will also appear in this section. For each overlay zone, the section will provide a description of the zone's purpose, a map of the area of applicability, and any pertinent standards that apply within the boundary of the overlay district. A Zone District Summary Table that summarizes all the base districts and overlay zones and translates how current zones were integrated into the new structure will also be provided.

The table below represents our initial approach to simplify the zone district structure, but districts may be further consolidated, added, or deleted as we move into drafting Module 1, Zone Districts and Use Regulations.

DRAFT ZONE DISTRICT SUMMARY TABLE		
Current Zone District	Proposed Zone District	Comments
Base Districts		
Residential Districts		
Rural residential (RR)	<i>Rural Residential (RR)</i>	<i>Carried forward.</i>
Single-family residential (RS1)	<i>Single Family Residential, detached (SFR)</i>	<i>Residential Single-Family districts will be consolidated into one RS-1 zone that contains subdistrict to accommodate the varying lot sizes and dimensions.</i>
Single-family Residential (RS2)		
Single-family Residential Overlay (RSOD)		
Residential Attached Duplex (RAD)		<i>The Residential Attached Duplex becomes a use with use specific standards, permissive in a different districts.</i>
Residential Attached Townhouse (RATH)	<i>Multi-Family Residential Low (MFRL)</i>	<i>Remains but will become a multi-family low density district.</i>
Multiple-family Residential (RM3)	<i>Multi-Family Residential Medium (MFRM)</i>	<i>Carried forward.</i>
	<i>Multi-Family Residential High (MFRH)</i>	<i>New, to accommodate multi-family residential over 20 du/a.</i>
	<i>Mobile Home Park (MHP)</i>	<i>Consolidated into one park district.</i>

DRAFT ZONE DISTRICT SUMMARY TABLE		
Current Zone District	Proposed Zone District	Comments
Mobile Home Park Residential (MH2)		
Mobile Home Subdivision Residential (MH1)		<i>This zone district is being deleted</i>
Non-Residential Districts		
Rural holding zone (RHZ)	Rural Holding Zone (RHZ)	<i>Remains but will be stripped of permitted uses to allow to function as intended, a pure "land holding zone".</i>
Multiple-family Residential (RM5)	Neighborhood Mixed-Use (MXN)	<i>Consolidated into one Neighborhood Mixed-Use District intended to allow limited neighborhood-serving commercial uses in predominantly residential areas.</i>
Multiple-family Residential Mixed-use (RM4)		
Neighborhood Commercial (C1)		
General Commercial (C2-A)	Mixed-Use Center (MXC)	<i>General Commercial is converted to a Mixed-use Center, a higher-intensity mixed-use district for activity centers, like the Downtown, that allows a mix of uses including commercial, office, and higher-density residential.</i>
General Commercial (C2-B)	General Commercial (GC)	<i>Carried forward.</i>
Heavy Commercial (C3)	Heavy Commercial (HC)	<i>Consolidated, planned shopping centers standards retained use specific standards.</i>
Planned Shopping Center (PSC)		
Industrial (I)	Industrial (I)	<i>Consolidated into one industrial district.</i>
Industrial park (IP)		
Planned Mixed Use (PMU)		<i>Eliminated, expensive to implement and the intent can be achieved through a PUD.</i>
Planned Unit Development Overlay (PUD)	Planned Unit Development (PUD)	<i>Remains, but becomes a base district with use and dimensional standards rather than an overlay. Content updated to provide greater flexibility.</i>
Overlay Districts		
Central City Overlay (CCOD)	Central City Overlay (CCO)	<i>Remains, but receives additional provisions tailored to the unique environment of the Downtown.</i>
Business Improvement (BID)	Business Improvement District Overlay (BIDO)	<i>Carried forward.</i>

DRAFT ZONE DISTRICT SUMMARY TABLE		
Current Zone District	Proposed Zone District	Comments
	Character Protection Overlay (CPO)	<i>New overlay that allows contextual standards to be applied to the older portions of the city to accommodate established development patterns.</i>
Airport Zoning	Airport Protection Overlay (APO)	<i>Remains, but becomes a protection overlay rather than a base zone district.</i>
Floodplain Zoning	Floodplain Protection Overlay (FPO)	<i>Remains, but becomes a protection overlay rather than a base zone district.</i>

Article B: *Use Regulations*

B.1: Use Table (ARTICLE D, ZONE DISTRICTS, 104B1 RESIDENTIAL DISTRICTS, 10-4B-2 COMMERCIAL DISTRICTS, 10-4B-3 I AND IP INDUSTRIAL DISTRICTS, 104B4 PLANNED UNIT DEVELOPMENT OVERLAY, 104B5 CENTRAL CITY OVERLAY DISTRICT, ARTICLE G)

This section will explain all the permitted, conditional and accessory uses in one Use

Table, which will cross-reference any standards that apply to a particular use. All uses currently listed in the base zone subsections of Article D, Zone Districts will be consolidated into a single comparative table of all districts, referred to as the “Use Table”. The table will outline the Permitted, Conditional and Accessory uses for each zone district. It will also continue to cross-reference any use specific standards that apply to a particular use, but references that are currently buried within the use column will be indicated in a distinct use-specific standards column on the right side of the table. Calling more attention to the additional standards that pertain to a specific use will ensure that they aren’t overlooked. The uses themselves will be updated to include contemporary uses currently demanded by the market and existing uses will be consolidated and/or simplified into fewer, broader categories. For example, rather than listing each individual retail sales and service that is allowed -Bakery, Candy Shop, Ice Cream Parlor etc.- general retail uses will be restricted by the size of the establishment. Outdated uses, such as “Stamp redemption center” and “Reading Rooms”, will be deleted. An example of a portion of a Use Table from another community is shown below.

TABLE 3-2-1: Permitted Use Table																	
P=Permitted C=Conditional CA=Conditional Accessory CV=Conditional if Structure Vacant for 10 years or more A=Accessory T=Temporary																	
	Residential						Mixed-use					Non-residential					
NEW ZONE DISTRICT >>	R-A	R-1	R-T	R-ML	R-MH	R-MP	MX-T	MX-L	MX-M	MX-H	MX-FB	NR-C	NR-BP	NR-LM	NR-GM	NR-SU	NR-PO
EXISTING ZONE DISTRICT >>	R-A1 & R-A2	R-1	R-T & R-LT	R-G & R-2	R-3	MH	RC & O-1	C-1 ¹⁴⁸	C-2 ¹⁴⁹	SU-3	SU-1 FB	C-2 NR & C-3	IP	M-1	M-2	SU-1 Other	Use-Specific Standards
LAND USE CATEGORY v																	
PERMITTED PRIMARY USES THAT ARE ALSO ACCESSORY USES IN SOME DISTRICTS																	
RESIDENTIAL ¹⁵⁰																	
HOUSEHOLD LIVING ¹⁵¹																	
Dwelling, single-family detached ¹⁵²	P	P	P	P		P	P										3-3.2A
Dwelling, mobile home						P											3-3.2B
Dwelling, cluster development ¹⁵³	P	P	P														3-3.2A.3
Dwelling, co-housing development ¹⁵⁴	P	P	P														3-3.2D
Dwelling, cottage development ¹⁵⁵	P	P	P														3-3.2E
Dwelling, two-family detached (duplex) ¹⁵⁶			P	P													
Dwelling, attached townhouse			P	P	P		P	P	P	P	P						3-3.2F
Dwelling, live-work ¹⁵⁷			C	C	C		P	P	P	P	P						3-3.2G
Dwelling, multifamily ¹⁵⁸				P	P		P	P	P	P	P						
GROUP LIVING																	
Assisted living facility or nursing home ¹⁵⁹			C	C	P		P	P	P	P	P						

B.2 Use Standards (ARTICLE D SPECIFIC USE PROVISIONS, 104C1 GENERAL USE LIMITATIONS)

The section immediately following the Use Table will list each of the use specific standards currently found in Article D, Specific Use Provisions. Use specific standards will be also be cross-referenced in the Use Table found in section 3.2. Existing use specific standards to be listed and updated are listed below, but categories may be reorganized, eliminated or added as we draft Module 1, Zone Districts and Use Regulations.

USE SPECIFIC STANDARDS		
Residential	Commercial	Industrial
Single--Family Detached Dwelling Units (10-4D-2.L) Mobile Homes (New) Live/Work (New) Multi-Family Recreational Clubs And Areas With Outdoor Use Of Weaponry (10-4D-2.G) Recreational Vehicle Parks Or Campgrounds (10-4D-2.H) Parks, Golf Courses, Golf Driving Ranges And Other Recreational Areas (10-4D-2.F) Schools, Hospitals, Churches And Cemeteries (10-4D-2.J) Bed And Breakfast Establishments (10-4D-2.A) Childcare Homes (10-4D-2.B) Daycare Nurseries And Preschools (10-4D-2.C) Home Based Businesses (10-4D-2.D) Hospitals And Major Medical Clinics (10-4D-2.E) Restaurants (10-4D-2.I) Shipping Containers As Accessory Storage Structures (10-4D-2.K) Temporary Storage Structure Or Yard For Construction Purposes (10-4D-2.M) Temporary Use Of Structure As Construction Site Office Or Real Estate Office (10-4D-2.N) Yard Sales (10-4D-2.O)	Adult Entertainment Business (104D.3.A) Assembly Uses (104D.3.B) Automobile Service Stations (104D.3.C) Collection Centers (104D.3.D) Construction Heavy Equipment Companies With Aboveground Fuel Storage Tanks (104D.3.E) Flea Markets (104D.3.F) Light Manufacturing Uses (104D.3.G) Mini warehouses (104D.3.H) Movie Theaters, Drive--In (104D.3.I) Residential Uses In Commercial Districts (104D.3.J) Social Nightclubs (104D.3.K) Storage Structures As Accessory Use (104D.3.L) <i>Planned Shopping Center (new, content carried over from 10-4B-2.4)</i>	Asphalt Batching And Cement Plants, Permanent And Temporary (104D.4.A) Mining, Gas, Oil And Soils Extraction (104D.4.B) Recovery Homes In I Industrial Zoning District (104D.4.C) Salvage, Demolition and Junkyards (104D.4.D)

Article C: *Development Standards* (Article C, General Provisions for Property Improvements)

The Development Standards currently found in the various articles of the zoning regulations regarding lot sizes/ widths, maximum building setbacks and heights, open space and lot coverage will be consolidated into one Development Standards chapter. Similar to the Use Table, dimensional standards will be consolidated into one table, referred to as the Dimensional Standards Table that is organized by zone district and allows comparisons of standards across all base districts. The table content will be informed from the various standards table located in Article B, Zone Districts of the current Zoning Ordinance. An example of part of a Dimensional Standards Table from another community is shown below.

TABLE 4-1-1: Summary Table of Residential Zone District Standards⁵⁰⁷ UC-MS-PT= Urban Centers, Main Streets & Premium Transit station areas as identified in Comprehensive Plan Note: Any different dimensional standards in Sections 14-16-2-7 (Overlay Districts) and 14-16-4-8 (Neighborhood Edges) applicable to the property shall supersede the standards in this table.						
Zone District	R-A ⁵⁰⁸	R-1	R-MC ⁵⁰⁹	R-T ⁵¹⁰	R-ML ⁵¹¹	R-MH ⁵¹²
Project and Site Standards						
Min. lot size						
Standard	10,890 sq. ft. ⁵¹³	R-1A: 3,500 to 4,999 sq. ft. R-1B: 5,000 to 6,999 sq. ft. R-1C: 7,000 to 9,999 sq. ft. R-1D: 10,000+ sq. ft.	2,500 sq. ft. per Manufactured Home space	Townhouse: 2,200 sq. ft. Single-family detached or two-family detached: 3,500 sq. ft.	Multifamily: 6,000 sq. ft. Townhouse: 2,200 sq. ft. Single-family detached: 3,500 sq. ft.	10,000 sq. ft. ⁵¹⁴
Contextual	See Section 14-16-4-1-3.B				N/A	N/A
Min. lot width						
Standard	75 ft.	R-1A: 25 to 37.4 ft. R-1B: 37.5 to 49.9 ft. R-1C: 50 to 69.9 ft. R-1D: 70 ft.	40 ft.; applies to each Manufactured Home space	Townhouse: 22 ft. Single-family or two-family detached: 35 ft.	Multifamily: 60 ft. Townhouse: 20 ft. Single-family detached: 35 ft.	UC-MS-PT: 100 ft. Other Areas 150 ft. ⁵¹⁵
Contextual	See Section 14-16-4-1-3.B				N/A	N/A
Max.						

Article D: Administration and Procedures

This article will contain information pertaining to the administration of the zoning regulations, such as review/decision bodies, nonconformities, violations, penalties, and enforcement, as well as land development procedures authorized by the City of Gallup. Content will be consolidated from the various chapters of the Zoning Ordinance into a single Administration and Procedures section.

D.1 Procedures Table (New)

The Procedures Table will be utilized to clarify the various development procedures authorized within the city of Gallup. For each the table will summarize:

- The type of development permit and approval required by the City;

- Any pre-application requirements (e.g. neighborhood notification or pre-application meetings);
- Who reviews/approves the application;
- Whether a public hearing is required;
- What body hears appeals;
- Expiration timeframes for approvals.

This will pull content from Section 10-4K-1, Planning and Zoning Commission and 10-4L-1, Board of Adjustment; Establishment; Meetings; Duties and Powers. An example of a summary procedures table from another community is shown below.

Table 5-1-1: Summary of Development Review Procedures

R = Review and/or Recommend D = Review and Decide

AR = Appeal Review and Recommend AD = Appeal Review and Decision

[] = Public Meeting < > = Public Hearing

Application Type	Section 5-5- Published ¹⁹⁴	Notice		Mtgs.		Review and Decision Authorities ¹¹⁰³								
		Mailed	Posted Sign	Electronic Mail ¹¹⁰⁵	Web Posting ¹¹⁰⁶	Pre-Application ¹¹⁰⁶	Neighborhood ¹¹⁰⁷	City Staff / Zoning Enforcement Officer ¹¹	Zoning Hearing Examiner ¹⁰⁸	Development Review Board	Landmarks Commission	Environmental Planning Commission	Land Use Hearing Officer	City Council ¹²
Administrative Decisions														
Certificate of Appropriateness – Minor ¹¹⁰⁹	1.A			X				D					<AR>	<AD>
Declaratory Ruling or Certificate	1.B							D					<AR>	<AD>
Fence, Wall, or Sign Permit								D ¹¹¹⁰					<AR>	<AD>
Permit	1.C			X	X			D					<AR>	<AD>
Alternative Signage Plan	1.C			X	X	X		D					<AR>	<AD>
Grading, Drainage or Paving Approval	1.D							D ³						
Impact Fee Assessment ¹¹¹¹	1.E							D				<A>	<AR>	<AD>
Site Plan – Administrative ¹¹¹²	1.F			X				D					<AR>	<AD>
Surface Disturbance Permit	1.G							D ³						
Wireless Telecommunication Facility Approval ¹¹¹³	1.H	X						D					<AR>	<AD>

D.2 Review and Decision-Making Bodies (10-4K-1 PLANNING AND ZONING COMMISSION, 10-4L-1 BOARD OF ADJUSTMENT; ESTABLISHMENT; MEETINGS; DUTIES AND POWERS)

This section will list each City department or appointed body involved in the review and approval of development applications and explain its role in the process. Content will be derived from Section 10-4K-1, Planning and Zoning Commission, and 10-4L-1, Board of Adjustment; Establishment; Meetings; Duties and Powers. Content will be expanded to incorporate City staff review and administrative adjustment powers.

D.3 Procedures (*CHAPTER 6 ANNEXATION, CHAPTER 5 SUBDIVISION PROCEDURES, 10-4K-2 ZONING AMENDMENT REQUIREMENTS AND PROCEDURES, 10-4M-2 PERMIT ADMINISTRATION, 10-4L-3 VARIANCES, 10-4L-4 CONDITIONAL USE PERMITS, 10-4L-2 APPEALS FROM ADMINISTRATIVE ACTIONS, 10-4L-5 EXPIRATION, REAPPLICATION AND APPEALS*)

This section will list the procedures for the various development applications authorized by the City of Gallup. Content will be split into two sections (1) Common Procedures that are applicable to multiple types of applications within the Land Development Standards, such as neighborhood notification, application completeness, and appeals, as well as (2) Specific Procedures pertaining to the individual development actions such as Zoning Amendments, Variances, Conditional Uses, etc.. Each procedure will have a flowchart outlining the general steps in the process and opportunities for public engagement.

D.4 Non-conformities (*10-4G-6, NONCONFORMING USES*)

This section will clarify how the Land Development Standards applies to land uses, buildings, lots, signs, and site features that were legal when they were established or built, but that now do not conform to the current standards through no fault of the property owner. Materials will be drawn primarily from existing zoning enforcement provisions (Sections 10-4G-6, Nonconforming Uses).

D.5 Enforcement, Violations, and Penalties (*10-4G-11 VIOLATIONS, ARTICLE M ADMINISTRATION AND ENFORCEMENT*)

This section will consolidate all materials about how the Land Development Standards are enforced, what constitutes a violation of them, and the penalties applying to different types of violations. Materials will be drawn primarily from existing Administration and Enforcement provisions (Article M).

PART 3: Subdivision Regulations

The proposed structure to the subdivision regulation below includes a summary of the recommended changes within each section by identifying structural revisions to the code and instances where language or standards are moved from one section to another. Similar content will be consolidated into single sections to provide greater ease of use (for instance, all materials related to the Sketch Plat are to be consolidated into one section).

The proposed structure of the subdivision regulation utilizes a different approach than the zoning code because the basic structure of the subdivision ordinance is undergoing only minor organizational changes whereas the update to the zoning code will be much more in-depth. The following proposed structure outlines each section and the major subsections that will require modification.

I: Purpose and General Requirements (10-5-1)

This section will contain the purpose and general requirements pertaining to the consideration of any subdivision application. Procedural elements that are the purview of the City of Gallup and are contained in the final sections of the existing subdivision regulations will be consolidated into an Administrative Procedures sub-section. The Administrative Procedures subsection will include the following: 1) Administration and Amendment (10-5-8); 2) Validity (10-5-9); 3) Penalties (10-5-10); 4) Reservation of Judgment (10-5-11)

Proposed Section Outline

- A. Purpose
- B. City Procedures and Review Process
- C. Pre-application Meeting
- D. General Subdivision Policies
- E. Administrative Procedures

A new subsection will be created describing the pre-application meeting. The pre-application meeting is a voluntary event in which an applicant may meet with City staff to discuss the requirements for a subdivision application and to determine the feasibility of the proposed development. This step is intended to save time for the developer by ensuring both the applicant and the City of Gallup have common assumptions and expectations regarding the proposed subdivision, including the most likely type of subdivision (i.e. administrative, minor, or major). The application may request a full meeting of the Gallup Task Force to discuss public improvements and other plat requirements.

II: Definitions and Applicability of Subdivision Regulations (10-5-2)

Formerly titled “General Procedures for Approval,” this section will expand on the definitions and thresholds of each subdivision type (formerly located in the “Pre-application Procedures” section). All other guidance related to the scope of the subdivision regulations will be included in this section. Existing sections on Fee Schedule, Signatures, and Appeal Procedures will also be moved to this section from individual sections towards the end of the code.

III: Sketch Plats (parts of 10-5-3 and all of 10-5-4)

The Sketch Plats section will provide information on approval procedures and application requirements of sketch plats. The current code divides the sketch plat approval procedures and application requirements into two separate sections. These have been consolidated in the proposed structure of LDS update.

No significant changes are required for the sketch plat requirements at this time, though language within the ordinance may be edited for clarity and the application requirement will be aggregated into a checklist. Language related to the Pre-application Conference, currently

located in section 10-5-3, will be included in the sketch plats section. Pre-application Conferences, as currently described in the subdivision regulations, will be renamed “Developer Review Meetings.”

Key Subsections

- Sketch Plat Approval Procedures and Review Process
- Sketch Plat Application Requirements

IV: Preliminary Plats (10-5-5 and 10-5-6)

The Approval Procedures and Application Requirements for preliminary plats will be consolidated into the Preliminary Plats section. The requirements related to preliminary plats are generally sound. Similarly to the Sketch Plat section, language may be edited for clarity and the application requirements will be aggregated into a checklist.

Key Subsections

- Preliminary Plat Approval Procedures and Review Process
- Preliminary Plat Application Requirements

V: Final Plats (10-5-7 and 10-5-8)

The Approval Procedures and Application Requirements for final plats will be consolidated into the Final Plats section. Application requirements in this section will align numerically with the application requirement checklist. Similarly to the Sketch and Preliminary Plat sections, language may be edited for clarity and the application requirements will be aggregated into a checklist.

Key Subsections

- Final Plat Approval Procedures and Review Process
- Final Plat Application Requirements

VI: Public Improvements (10-5-11)

The structure and scope of this section requires minimal changes. Greater clarity is required regarding subdivision agreements and the use of financial guarantees by developers to ensure funding for public improvements remains available, regardless of the fate of the subdivision.

Currently, the public improvements section focuses primarily on site-specific improvements. However, large subdivisions may have impacts on city-wide or regional infrastructure. An

additional section will be added that clarifies how public improvements for the impacts of a subdivision on the Citywide transportation and utilities system are to be documented.

VII: Design Standards

The Design Standards section will consolidate the standards found in the zoning code and other locations into the subdivision regulation. Selected standards will be updated and expanded and the Standard Drawings will remain in the Appendix section of the LDS.

PART 4: Annexation Policy

Annexations should be logical and support City objectives, while avoiding situations that result in excessive burdens to the City in terms of infrastructure and service provision. All updates to the annexation policy will support the annexation priority areas identified by the Growth Management Plan. Updates will also ensure that all procedures in the code are consistent with the existing City practice, and will improved connections between the code and the annexation application form.

PART 5: Definitions

This section will update definitions and add new land use definitions to clarify the broader and more flexible categories. The illustrations that remain in the definitions section will illustrate the key definitions while Illustrations that are intended to explain/clarify development standards should be moved alongside the regulations they are illustrating.

Draft Subdivision Application Requirements

To be used in conjunction with the municipal code and not as a standalone document.

			Sketch	Minor	Major	
Item #	Description	Location		Final	Preliminary	Final
I. PROJECT-PLAT INFORMATION						
A.	Name/contact/ownership	4 A-B, 6 A-2	X	X	X	X
B.	Recording title	6 A-2-c		X	X	X
C.	Surveyor certification	6 A-2-l		X	X	X
D.	Title block (place holder)		X	X	X	X
E.	Signature block (place holder)		X	X	X	X
F.	Certification block		X	X	X	X
G.	Written description of property	4 C	X	X	X	X
H.	Current zoning designation	6 A-2-v		X	X	X
I.	Survey monuments and benchmarks	6 A-2-m		X	X	X
J.	Total area (in acres and square feet)	6 A-2-d		X	X	X
K.	Public utility easements					
L.	Reference to CC&Rs	6 A-2-w		X	X	X
M.	Free consent statement	6 A-2-q		X	X	X
N.	Dedication statement	6 A-2-r		X	X	X
O.	Names of adjoining property owners	4 D-2, 6 A-2-u	X	X	X	X
P.	Legal description including:	6 A-2-f				
1.	project boundaries	6 A-2-f		X	X	X
2.	existing street row	6 A-2-f		X	X	X
3.	easements	6 A-2-f		X	X	X
4.	section lines	6 A-2-f		X	X	X
5.	buildings	6 A-2-f		X	X	X
6.	adjacentwater impacted areas	6 A-2-f		X	X	X
Q.	Location and dimensions of existing :					
1.	property/boundary lines	4 D-1	X	X	X	X
2.	adjoining property owners	6 A-2-p		X	X	X
3.	lots	4 D-5	X	X	X	X
4.	easements	4 D-1	X	X	X	X
5.	permanent buildings	4 D-1	X	X	X	X
6.	utilities	4 D-1	X	X	X	X
7.	burial grounds	4 D-1	X	X	X	X
8.	railroad rights of way	4 D-1	X	X	X	X
9.	streets within or adjacent to tract	4 D-1	X	X	X	X
10.	adjacent public ways	4 D-1	X	X	X	X
11.	watercourses	4 D-1	X	X	X	X
12.	area of special flood hazard	4 D-6	X	X	X	X
R.	Location and dimensions of proposed :*					
1.	streets*	4 D-4, 6 A-2-g	X	N/A	X	X
2.	utilities*			N/A	X	X
3.	public use sites *	4 D-7, 6 A-2-h	X	N/A	X	X
4.	easements	6 A-2-h		X	X	X
5.	lots	4 D-5, 6 A-2-e	X	X	X	X

Draft Subdivision Application Requirements

To be used in conjunction with the municipal code and not as a standalone document.

			Sketch	Minor	Major
Item #	Description	Location	Final	Preliminary	Final
6.	lot lines	6 A-2-k	X	X	X
7.	lot numbers	6 A-2-k	X	X	X
8.	block numbers	6 A-2-k	X	X	X
9.	alleys*	6 A-2-h	N/A	X	X
10.	building setback lines	6 A-2-h	X	X	X
11.	drainage system	4 D-9	X	X	X
12.	name, width, centerline of streets/all	8 B-1	X		X
S.	Vicinity map:	4 D-10, 6 B			
1.	proposed development boundaries	6 B-2	X	X	X
2.	streets and surrounding area	4 D-10, 6 B-3	X	X	X
3.	north arrow, date, scale	6 B-1	X	X	X
II. SUPPLEMENTAL MATERIALS: PUBLIC IMPROVEMENTS AND CONSTRUCTION DOCUMENTS					
A.	Existing and planned utilities	6 C-1	X	X	X
B.	Contour lines	6 C-2	X	X	X
C.	Finished grade elevation for each lot	6 C-3	X	X	X
D.	Metes and bounds	6 C-4	X	X	X
E.	Street design	6 C-5	X	X	X
F.	Traffic control devices	6 C-6	X	X	X
G.	Drainage report	6 C-8	X	X	X
H.	Construction schedule	6 C-9	X	X	X
I.	Topographical features	4 D-3	X	X	X
III. PROCEDURES AND SIGNATURES					
A.	Temporary stakes	4 D-8	X		
B.	Certification of approval by:				
1.	City Engineer	6 A-2-s	X	X	X
2.	Joint Utilities Director	6 A-2-t	X	X	X
3.	Local Gas Utilities	8 B-4	X		X
4.	Telephone Utilities	8 B-4	X		X
5.	Planning & Zoning Commission	8 B-5	X		X
6.	Notary		X		X
7.	County Clerk (tracking parcel sheet)		X		X
8.	County Treasurer (tax certification)		X		X
9.	Secretary		X		X
C.	Proof of acceptance of infrastructure impr	8 B-6	X		X
D.	Signature block (completed)		X		X
E.	Certification block (completed)		X		X

Italics indicate that the City of Gallup requests this item, but guidance is not currently provided in the code. The code will be revised accordingly.

* Minor subdivisions do not feature new utilities or roadway infrastructure